

**REMARKS**

As an initial matter, Applicants acknowledge with appreciation the indication by the Examiner that the objections to the drawings, specification and claims, as well as the anticipation rejection based on Yoneyama and the previous claim rejections under 35 U.S.C. § 112, second paragraph, have all been withdrawn.

By this amendment, claims 3 and 4 have been amended. Support for the changes to claim 3 can be found, *inter alia*, in the specification at page 5, lines 5-10, and page 10, lines 2-19, and in Figures 10-16. Claim 4 has been amended to more clearly recite that which Applicants regard as their invention. Notably, claim 4 has been amended to recite a nonradiative dielectric waveguide fabrication method wherein a MEMS circuit is formed in a substrate prior to forming a first conductive film on the substrate. Claims 5-8 stand withdrawn from consideration. Claims 1, 2 and 9-12 were canceled previously. Claims 3 and 4 are presented for further examination.

The indefiniteness rejection of claim 4 under 35 U.S.C. § 112, second paragraph, is believed overcome by the foregoing amendment to claim 4. No further correction is believed necessary. Reconsideration and withdrawal of the rejection are respectfully requested.

The rejection of claims 3 and 4 under 35 U.S.C. § 103(a) as obvious over Sasaki, US 6,640,429, the rejection of claim 3 under 35 U.S.C. § 103(a) as obvious over Anderson, US 3,563,630 in view of Yoneyama, US 4,463,330, and the

rejection of claim 4 under 35 U.S.C. § 103(a) as obvious over Anderson in view of Yoneyama, and further in view of Smith, US 6,611,237 are respectfully traversed with respect to the amended claims.

The invention relates to a method for fabricating a nonradiative dielectric waveguide. As recited in independent claim 3, the method includes (i) forming a first conductive film on a semiconductor substrate, (ii) forming a dielectric film on the first conductive film, and (iii) etching the dielectric film to form a transmission line. As amended, claim 3 further recites (iv) embedding a first sacrificial layer in an area where the dielectric film has been etched away, (v) forming a second sacrificial layer on the dielectric film and the first sacrificial layer, (vi) etching away the second sacrificial layer everywhere except a plurality of portions thereof, (vii) embedding a second conductive film in an area where the second sacrificial layer has been etched away, and (viii) etching the first and second sacrificial layers in order to remove the first and second sacrificial layers.

Applicants respectfully submit that the cited references, whether considered separately or in any combination, fail to disclose or suggest all of the steps required by independent claim 3. In particular, none of the cited references are believed to teach a method for fabricating a nonradiative dielectric waveguide wherein a first sacrificial layer is embedded in an area where a dielectric film has been etched away, a second sacrificial layer is formed on the dielectric film and the first sacrificial layer, the second sacrificial layer is etched away except at a plurality of areas, a second conductive film is embedded in an

area where the second sacrificial layer has been etched away, and the first and second sacrificial layers are removed by etching.

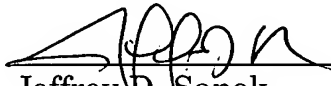
In view of the foregoing amendments and remarks, reconsideration and withdrawal of the rejections are respectfully requested. The application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #101249.55938US).

Respectfully submitted,

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